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IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF ARIZONA

Save the Scenic Santa Ritas, <i>et al.</i> ,	)	
	)	No. 4:19-cv-00177-TUC-JAS [Lead])
Plaintiffs,	)	No. 4:19-cv-00205-TUC-JAS (C)
v.	)	
	)	Chief Judge: James A. Soto
United States Army Corps of Engineers,	)	
<i>et al.</i> ,	)	
Defendants,	)	
and	)	<b>PLAINTIFFS’ JOINT PROPOSED</b>
	)	<b>BRIEFING SCHEDULE</b>
Rosemont Copper Company,	)	
	)	
Defendant-Intervenors.	)	
	)	
Tohono O’odham Nation, <i>et al.</i> ,	)	No. 4:19-cv-00205-TUC-JAS (C)
	)	
Plaintiffs,	)	
v.	)	
	)	
United States Army Corps of Engineers,	)	
	)	
and	)	
	)	
Peter Helmlinger	)	
	)	
Defendants.	)	

1 Plaintiffs Tohono O’odham Nation, Pascua Yaqui Tribe, and Hopi Tribe  
2 (collectively, the Tribes) and Save the Scenic Santa Rita’s, *et al.* (collectively, SSSR)  
3 hereby submit a proposed briefing schedule for the Joint Emergency Motion to Lift the  
4 Stay (ECF No. 104), Motions to file Supplemental Complaints (ECF Nos. 106, 111), and  
5 Motion for Temporary Restraining Order (ECF No. 108).<sup>1</sup> The Tribes and SSSR  
6 conferred with the other parties in an effort to develop a briefing schedule for resolving  
7 these emergency motions, but were unfortunately unable to reach agreement.

8 The Tribes and SSSR respectfully propose a schedule to complete briefing by May  
9 4, 2022. Given the exigencies of the circumstances, the Tribes and SSSR believe that it  
10 is essential to brief the motions simultaneously to ensure the Court is in a position to rule  
11 on the Tribes’ Motion for a Preliminary Injunction, as soon as practicable. Despite the  
12 fact that the Rosemont Copper Company (Rosemont) continues ground-clearing  
13 activities, the Tribes and SSSR have provided opposing counsel with over ten days to  
14 respond to the pending motions. A longer schedule—such as the multi-phased approach  
15 proposed by Defendants—would delay briefing on the Tribes’ Motion for Preliminary  
16 Injunction by weeks, further prejudicing the Tribes and causing them irreparable harm.  
17 That approach would “not maintain the status quo, which is the whole purpose of a  
18 preliminary injunction[.]” *Se. Alaska Conservation Council v. U.S. Army Corps of*  
19 *Eng’rs*, 479 F.3d 1148, 1151 (9th Cir. 2007).

20 The Tribes have not requested a hearing on their Motion for a Preliminary  
21 Injunction in the interests of expediting the process. *See Univ. of Texas v. Camenisch*,  
22 451 U.S. 390, 395 (1981) (“[G]iven the haste that is often necessary . . . a preliminary  
23 injunction is customarily granted on the basis of procedures that are less formal and  
24 evidence that is less complete than in a trial on the merits.”). Consistent with that  
25 approach, the Tribes provided written declarations and documentary evidence supporting  
26 their Motion for Preliminary Injunction. *See* ECF Nos. 109-2 to 109-19. The Corps even

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27 <sup>1</sup> The Tribes will construe their Motion for a Temporary Restraining Order as a Motion for  
28 Preliminary Injunction, as directed by the Court. ECF No. 115.

1 acknowledged at the status conference that the Tribes had already provided essentially all  
 2 of the documents the Corps considered. Given the emergency nature of the proceedings,  
 3 the Court has discretion to decide whether to rule promptly or set a hearing on the Tribes'  
 4 Motion for Preliminary Injunction, as it indicated at the status conference. *See Kenneally*  
 5 *v. Lungren*, 967 F.2d 329, 335 (9th Cir. 1992) ("We do not indulge a presumption in  
 6 favor of evidentiary hearings."). If the Court does set a hearing, the Tribes and SSSR  
 7 respectfully request that it be at the Court's earliest convenience.

8 Accordingly, the Tribes and SSSR propose the following schedule:

- 9 1. **April 29, 2022:** Federal Defendants and Defendant-Intervenors respond to all  
 10 pending motions.
- 11 2. **May 4, 2022:** Tribes' replies in support of their pending motions, as well as  
 12 SSSR's reply in support of its Motion to Supplement its Complaint.

13  
 14 Respectfully submitted, this 25th day of April, 2022,

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 25, 2022, I electronically transmitted the foregoing **PLAINTIFFS' JOINT PROPOSED BRIEFING SCHEDULE** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

/s/ Stuart C. Gillespie